

REPORT

OF

INVESTIGATION

BY THE

STATE BOARD OF LUNACY AND CHARITY

ON

COMPLAINT MADE AGAINST FIVE EMPLOYEES OF THE BOARD
CHARGED WITH "LOBBYING" BY MEMBERS OF THE LEGIS-
LATURE, IN 1897, CONCERNING CERTAIN PRO-
POSED LEGISLATION REGARDING THE
CHARITIES OF THE STATE.

SEPTEMBER, 1897.

BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

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Commonwealth of Massachusetts.

STATE BOARD OF LUNACY AND CHARITY,
STATE HOUSE, BOSTON, September 11, 1897.

His Excellency ROGER WOLCOTT, *Governor of the Commonwealth.*

6 Nov '92 Committed per J.

YOUR EXCELLENCY: — The State Board of Lunacy and Charity had the honor to receive from you a letter (A) addressed to it under date of May 28, 1897, setting forth that complaint had been made, both by members of the Legislature and by other reputable citizens, that the paid employees of the Board had “been busy and conspicuous in favoring or opposing certain bills while under direct consideration of the Legislature;” that the statement had been made to you “with much circumstantiality,” that certain of these officials had spent “the greater part of several consecutive days in or near the legislative chambers, making effort by personal solicitation to influence the votes of members of the Legislature; in other words, doing what is expressed by the term lobbying.”

The Board, in a communication (B) dated June 1, 1897, acknowledged the receipt of your letter, and solicited the names and addresses of the complainants, or accusers, and their witnesses, and also the names of the accused employees, that the matter of the complaint might be inquired into. The Board received a letter (C) from Your Excellency in reply, dated June 3, 1897, stating that you had been informed that “between May 5 and May 12 last Messrs. Lewis, Morton, Coe, Southmayd, and Gardner, paid employees of the Board, were seen frequently in the legislative chambers or in the rooms immediately adjoining them, in some cases their presence being noted the greater part of the legislative session of the day, and that their activity in

personal solicitation was conspicuous and much commented upon, and was by no means limited to the precincts of the State House ;” that “ among many by whom it was observed and criticised I may mention Senator Gauss, Messrs. Fuller of Springfield, Lowell of Boston, Myers of Cambridge, Parsons of Greenfield, and Stevenson of Pittsfield, of the House of Representatives.”

Upon receipt of the letter of June 3 from Your Excellency, the Board gave notice to both the members of the Legislature and the employees named in your letter that they would proceed to investigate the charges recited in the letter of May 28, and requested the presence of the members of the Legislature named, and of the employees charged, at the investigation, commencing June 8. On June 7 the legislators named wrote the Board, stating that the hearing should be a public one, and not one merely limited to the representatives and senators invited to attend, and the employees complained of; and the members also disclaimed in the same communication that they were “ in any sense complainants in the case.” After having consulted the wishes and convenience of the members in question, who were then in attendance on the Legislature, the Board designated June 25, 1897, for the opening of the hearing, and, though they did not consider the subject of sufficient interest to warrant a public hearing, where there was no charge involving moral turpitude, — that is, bribery or other corrupt influence, — made against any of the employees in question, they yielded to the position taken by the legislators named, in order to insure their presence as witnesses at the hearing.

Learning in the meantime, through the public press, from a copy of a letter dated June 10, 1897, addressed to Your Excellency, and signed by Messrs. Chas. P. Putnam, Henry C. Baldwin, Arthur Lyman, Joseph Lee, and J. G. Thorp, that they were the persons who had made specific charges against the employees in question, each of the persons signing the last named letter (D) was notified to attend the hearing, and give such evidence as he had regarding the matter under consideration. Under date of June 22, 1897, the persons last named sent a letter (E) to the Board, signed by all

of them, and of such a character that the Board had no alternative but to return it to the writers, who seemed not to understand the proprieties required to be observed in public or private correspondence, thus compelling the Board to return the communication to them enclosed in a letter (F), dated June 25, which explained to them the reasons why their letter was returned.

A copy of each of the letters referred to in this report to Your Excellency, and the material part of each document referred to in the report, are annexed hereto at the end of the report or embodied in it.

COMMENCEMENT OF HEARING.

On June 25 the hearing was opened before the Board, and counsel appeared, representing the accused employees, and other counsel also appeared representing the real parties who instigated the charges, and who finally assumed the prosecution of them before the Board, namely, Messrs. Chas. P. Putnam, H. C. Baldwin, Arthur Lyman, Joseph Lee, and J. G. Thorp. A stenographic copy of the testimony, and arguments given and presented at the hearing, will accompany this report to Your Excellency.

SCOPE OF INQUIRY.

The substance of the charges made to Your Excellency by the complainants against the employees in question was, that between May 5 and May 12 the latter were unduly and improperly interfering with proposed legislation concerning the administration of the charities of the Commonwealth, by solicitation of the votes of members and otherwise; but at the outset of the hearing the complainants sought urgently to extend the inquiry to other periods wholly remote from the date alleged, and, though the accused were not notified that any more extended inquiry was to be had than that covered by the first letter of Your Excellency, their counsel readily consented to allow the examination to include the whole time the Legislature had been in session, to avoid giving the complainants any ground for claiming that the

examination was restricted to a very limited time, for the purpose of shielding the accused from a full investigation of their alleged conduct.

SUMMARY OF EVIDENCE.

Witnesses: Legislators Gauss, Myers, Lowell, Bailey, Parsons, and Stevenson.

The legislators named were first called forward as witnesses at the hearing by the complainants' counsel, and each of the legislators again disclaimed any intention of being a complainant in the case. Senator Gauss and Representatives Myers, Lowell, and Bailey, stated that none of the accused addressed them at all concerning the proposed legislation; but Senator Gauss stated that Messrs. Lewis and Morton appeared repeatedly in the corridors of the House of Representatives, especially about May 11, when he also observed Messrs. Coe, Southmayd and Gardner there. Representative Inness, who was cited by the complainants to appear as a witness, stated that one employee of the Board had spoken to him regarding the proposed bill for a board of trustees for children who were wards of the State, but Mr. Inness declined to give the employee's name, or to disclose whether he was one of the employees charged or not. Representative Parsons stated that the only employee who had spoken to him regarding the proposed legislation was Mr. Morton, with whom he had been acquainted for some time previously, and who came from his part of the State. The conversations with Mr. Morton occurred twice, and were very brief, — once at the State House, and perhaps once at the Adams House, but of this he was uncertain. Mr. Parsons said that Mr. Morton, on one of the occasions, said he hoped Mr. Parsons would vote to send all the bills to the next Legislature. Mr. Parsons stated, as did the other witnesses, that he had a high regard for Mr. Morton. Representative Stevenson said Mr. Morton spoke to him once or twice only, and he thought on one of the occasions at the Adams House, — perhaps at his suggestion, as he, as a representative, desired to get all the information he could on the subject

of the proposed legislation. He said that the members from the western part of the State usually stopped at the Adams House, and he had a room there. It appeared also in evidence that the employees from the western part of the State resorted occasionally to the Adams House when in Boston, in the evening, after business hours.

This substantially summarizes all that the members of the Legislature testified to, as to their personal knowledge in the matter under investigation, on direct and cross examination, except that two members testified that they saw Messrs. Lewis, Morton, Southmayd, Coe, and Gardner conversing together one day, between May 3 and May 11, near one of the entrances of the House of Representatives.

Witnesses H. C. Baldwin, Charles W. Birtwell and Joseph Lee.

Messrs. H. C. Baldwin, Charles W. Birtwell and Joseph Lee, two of whom were complainants, were also called as witnesses by the counsel for the complainants. Dr. Baldwin stated that he saw Morton once, and Lewis several times, in the gallery of the House, and about the entrance to it, several times in April and May, but had no personal knowledge of any representations made by them to any members of the House. Mr. Birtwell made a similar statement to that of Dr. Baldwin. Mr. Lee stated that he saw Messrs. Morton and Lewis three or four times, about the entrance to the Hall of Representatives, in May, while the House was sitting. Dr. Baldwin and Mr. Lee also testified to the formation, — almost simultaneously with the delivery of the report to the Governor and Executive Council by the Commission to Investigate the Public Charitable and Reformatory Interests and Institutions of the Commonwealth, — of an organization or association, established by the complainants and others (to the number of nearly sixty), to advocate and promote the adoption by the Legislature of all the measures recommended in the report of the Commission, whether charitable or penal. The report of the Commission was made to Your Excellency March 4, when you transmitted it immediately to the Legis-

lature. The association of sixty held its first and only meeting March 11, and Mr. Lee testified, before the meeting dissolved, that it delegated all its powers to a committee of twenty of its number; that this committee of twenty styled itself "a Committee of Citizens;" that, a little later, it delegated all the powers delegated to it to a sub-committee of five, which also styled itself a "Committee of Citizens;" and that it consisted solely of the identical complainants who originated the complaint to Your Excellency against the accused employees.

Witness S. C. Wrightington.

The counsel for the complainants also called, as a witness to sustain their complaint, Mr. S. C. Wrightington, Superintendent of In-Door Poor under the Board, an officer of thirty-seven years' experience in the service of the State in the administration of her charities, and chief of that division of the work of the Board in which the accused employees served. It may be here stated that the counsel for the complainants, throughout the hearing, and to the close of it, repeatedly asserted in substance that the accused were faithful servants of the State, and men of excellent character; that all this the complainants conceded, as well as that Mr. Wrightington had acquitted himself as a witness frankly and creditably; and the complainants had not a word to say reflecting on his character, or standing; that the complainants' counsel only denounced the alleged "system" of unduly interfering with proposed legislation, which he declared more than one of the departments of the State countenanced and encouraged.

Mr. Wrightington testified in his examination that it had been the custom of the Board for many years to appear through their legislative committee, annually appointed, before the Committee on Public Charitable Institutions of the Legislature, and conduct, in the interests of the Commonwealth, all hearings relating to proposed legislation, or changes in the laws regarding the administration of public charities; that he and other officers and employees of the Board appeared, from time to time, at the call of the

legislative committee of the Board, before the Committee on Public Charitable Institutions, to assist in furnishing information on which to base legislative action in favor of, or against, proposed measures concerning the public charities; that members of the Board, and he and other employees and officers, had appeared at the hearings before the committee on Public Charitable Institutions, at the last session of the Legislature, and had given their evidence, and information founded on their experience, regarding the expediency of adopting the several measures recommended in the report of the Commission; that except at those hearings he never appeared at the legislative chambers; that legislators and municipal officers throughout the State, interested in the administration of the municipal poor laws, were in constant daily intercourse with him, especially during each session of the Legislature, consulting or seeking information concerning their duties and the interests of their towns, in cases frequently arising between the State Board of Lunacy and Charity, in behalf of the Commonwealth and her municipalities; that on Saturday, May 8, last, having just received information that a circular letter dated May 7, 1897, purporting to have been issued by the Citizens' Association, on the Report of the Commission, and of a misleading character, was about to be issued to the members of the House and others; and knowing that on the following Tuesday, May 11, a vote was to be taken in the House of Representatives, on the Report of the Committee on Public Charitable Institutions, referring all action on the recommendations of the Report of the Commission to the next General Court, and fearing that, unless speedy action was taken to answer and explain the circular, the members of the Legislature would be misled by it, he therefore instructed the Deputy Superintendent in his office, Mr. J. F. Lewis, to communicate with the visiting agents of his department, and ask them to come to Boston, on Monday following, and seek an opportunity to see the members of the Legislature, of their acquaintance, and advise them as to the misleading character of the circular. The circular letter is as follows:

CITIZENS' ASSOCIATION ON THE REPORT OF THE COMMISSION ON
STATE CHARITABLE AND REFORMATORY INSTITUTIONS.

DEAR SIR:—Your attention is called to the following letter from Charles C. Folsom, President of the Massachusetts Association of Relief Officers:—

Mrs. M. M. KEHEW, *Secretary, Citizens' Association, etc.*

At a meeting of the Massachusetts Association Legislative Committee yesterday afternoon, it was voted to recommend to the Association at its next meeting, as follows, viz.: That we favor the passage this year of a law establishing a Department for Children and the Board of Insanity. Also State care of Insane, if possible.

The Committee is of the opinion that if these bills can be passed at this session, it will help next year in the passage of other matters recommended by the Commission.

Very respectfully,

C. C. FOLSOM, *Chairman.*

The question on the substitution of bills for a State Board of Insanity and a Department for Children, for the adverse report of the Committee on Public Charitable Institutions, will come before the House on Tuesday, May 11th. Will you not see your representative at once and urge upon his consideration the great importance of the proposed measures.

For the Committee,

MARY MORTON KEHEW,

Secretary.

Boston, May 7, 1897.

Mr. Wrightington, on being questioned by the complainants further on the subject, stated that at the time of receiving the copy of the circular described, he had been informed, by authority, that the circular had its origin from a meeting of the so-called Citizens' Committee, at a house in Marlborough Street, Boston, at which a committee of the Massachusetts Association of Relief Officers was invited to attend, the latter organization being an association of the municipal officers employed by the Overseers of the Poor, for administering the poor laws relating to the town and city poor, and the committee of the Association being a body appointed annually by the Massachusetts Association of Relief Officers, to watch all legislation concerning municipal charities, likely

in any way to affect them, and to oppose, or advocate, such measures as the Committee deemed for the welfare of their towns and cities, especially where they affected the expense of maintaining the municipal poor. Mr. Wrightington stated that on May 8 he learned that a proposition had been made at the Marlborough Street meeting that the Relief Officers' Association give their support to all the measures advocated by the so-called Citizens' Committee, and especially that the Relief Officers' Association support, at the then pending session of the Legislature, the establishing by the State of a distinct and separate board for the care of the dependent children of the State, now cared for to the number of about 1,700, by the State Board of Lunacy and Charity, and that the Relief Officers' Association also support the proposed measure for a separate board for the supervision of the institutions for the insane of the State, now supervised by the State Board of Lunacy and Charity. In return for this solicited support, the Citizens' Committee gave assurance, at the meeting, that they would support the proposed legislation for relieving the municipalities of the State of the care and support of their insane, and place the entire expense on the Commonwealth, to be paid out of the State treasury. Mr. Wrightington's position was, that, after a meeting of the so-called Citizens' Committee at the Marlborough Street house, the sub-committee of the relief officers of the Relief Officers' Association, there in attendance, reported to their full committee on legislation the doings and proceedings at the Marlborough Street meeting, and that thereupon the full committee of the Relief Officers' Association concluded, in reply to the proposed bargain, to accept the proposal conditionally, — that is, upon condition that if the parties interested in the other measures would pledge themselves in writing to thereafter support a bill requiring the expense of maintaining the insane to be paid entirely out of the State treasury, the Relief Officers' Association would support the bill of the Citizens' Committee. Mr. Wrightington then presented in evidence the substance of the actual vote which, as he was informed, May 8, had been adopted at the Marlborough Street meeting, and the language of the vote, as given by him, and which he then stated he obtained from one of

the legislative committee of the Relief Officers. It was as follows : —

Voted, That the Committee recommend to the Association to support legislation having for its object the establishment of a Department for Children and the creation of a Board of Insanity, *provided*, that the parties interested in these measures pledge themselves in writing to hereafter support a bill transferring the expense of maintaining the insane from the cities and towns to the State.

Mr. Wrightington said that the circular letter of the so-called Citizens' Committee, dated May 7, and bearing the signature of Secretary Kehew, did not set forth plainly and substantially the position of the Legislative Committee of the Massachusetts Relief Officers' Association, but suppressed a very material fact, that is, that any promised support by the Legislative Committee of the Relief Officers' Association of the proposed bills for a Department for Children, and another Department for the supervision of the Insane of Massachusetts, was conditional upon the so-called Citizens' Committee giving a pledge in writing, as he understood it, to the Committee of the Relief Officers' Association to thereafter support the bill for providing that the expense of maintaining the municipal insane would no longer fall upon the towns and cities, but would be paid out of the State treasury alone. Mr. Wrightington further stated that he believed he was discharging a duty, regarding the charities of the State, in causing the five visitors accused, who were acquainted with many of the members of the Legislature from their part of the State, to apprise the members that the Massachusetts Relief Officers' Association, neither of itself nor through its legislative committee, had voted, as the circular of the so-called Citizens' Committee recited, to support absolutely the two measures which the Citizens' Committee were urging to be adopted by the Legislature. He added that, on Monday, May 10, Messrs. Morton, Southmayd, Coe, and Gardner came to his office, pursuant to his request; that no directions were given him by the Board to take any action regarding the circular; that he had no time to consult the members that Saturday afternoon, May 8, when he first

heard of the circular ; that he felt he ought to act at once, in accordance with what he believed to be his duty in an unexpected emergency ; that, some time in the latter part of April, Mr. Johnson, the Chairman of the Board, left a communication at the office of Mr. Wrightington, in the absence of the latter, notifying him that it was represented to him, as Chairman of the Board, that the employees under Mr. Wrightington had been opposing the passage of the Boston Institutions Bill for separate boards of management of the wards of the city ; that, if the representation were true, such conduct should immediately cease, and that no employee should visit either of the legislative chambers, or the adjoining rooms, for the purpose of interviewing members, and soliciting their votes upon that or any kindred subject ; that subsequently, he, Mr. Wrightington, repeated the communication to the employees in the several offices under his charge. He again referred to his action in sending for Messrs. Morton, Southmayd, Coe, and Gardner, to see such members of the Legislature as represented their sections of the State and explain to them the misleading character of the circular issued, not only because the circular misrepresented the position of the legislative committee of the Massachusetts Relief Officers' Association, but also because the circular had appended to it a request to every overseer of the poor in Massachusetts to call immediately upon his representative and inform him that the committee of the Relief Officers' Association had voted in favor of the two measures the so-called Citizens' Committee were advocating. He testified that Messrs. Morton, Southmayd, Coe, and Gardner soon informed him after their arrival that in hardly any instance had a representative been affected by the circular, and that it seemed unnecessary to have called them, the employees, from their homes. He added that he alone was responsible for bringing the agents from their homes to Boston ; that in so doing he thought he was doing what was right and proper ; but that it afterwards proved to be, perhaps, unnecessary. He said that the agents had no authority from any one to go into the legislative chamber or to the precincts thereof ; that he believed the men understood clearly that the members were to be seen elsewhere ; that he never reported to the

Board his doings in the matter, until they called him before them, after they had received the letter of May 28 from Your Excellency, and that no member of the Board, either directly or indirectly, suggested or requested him or the employees under him, as far as he had knowledge, to interview any member of the Legislature concerning the proposed legislation arising under the report of the Commission.

Witness Charles K. Morton.

Mr. Morton testified that he came from his home to Boston on the afternoon of May 10, in obedience to the summons of Deputy Superintendent Lewis, regarding the character and effect of the circular in question, and that he, Mr. Morton, upon his arrival soon found it was unnecessary to speak to any representative about it, and he did nothing and said nothing to any member about it, except that he had a few minutes' talk with Mr. Parsons. He further said that he never asked any one to vote against the legislation in question, and that he returned from Boston, on May 13, to his home in Hatfield; that he spoke to Representative Stevenson in February, and that was a month before the Report of the Commission had been transmitted to Your Excellency, and before any hearing before any Legislative Committee on the subject had commenced; that he never solicited the vote either of Mr. Parsons, or Mr. Stevenson, or any other legislator; that he was in the ladies' gallery of the House of Representatives May 11.

Witness Joshua F. Lewis.

Mr. Joshua F. Lewis testified that he is one of the State employees, under Mr. Wrightington, as assistant superintendent, and that he spends a large part of his working hours at the office of Mr. Wrightington, particularly in the winter time; that he had been a great many times in the corridors adjoining the legislative chambers during the last session of the Legislature, as he had been in every year of his employment under the Board, — perhaps two hundred times during the past session, and always on business unconnected with lobbying; that he is acquainted with from one-third to one-

half of the legislators ; that at the least, fifty members have been in and out of the office to see him during the session, some not more than once, others a dozen or fifteen times ; that they called to inquire about pauper cases existing in their towns, where the burden of support was claimed to be on the State, or where, being non-settled, the paupers in question should be removed from the State to the state where they belonged ; that in many instances the representatives are also overseers of the poor, that they often request him to come with the information they inquire for to the legislative chambers ; that he often has to wait in the corridors of the chambers of the Legislature, after having sent in his card, owing to the member called upon being engaged in debate ; that on those occasions he has often gone up to the gallery to wait until the member calling for the information was able to see him ; that such a case occurred the day the vote on the Bill for separating the government of the Boston Institutions was taken ; that he never spent the greater part of several consecutive days in or near the legislative chambers ; that he never to his recollection solicited in any form the vote of a member in the matters pertaining to the State Charitable Institutions ; that he had been often asked by the members for his opinions and gave them frankly ; that he thought that Mr. Birtwell, a witness who testified, was so biassed and prejudiced that he could not make a fair statement ; that he, Mr. Lewis, was not in the legislative chambers the greater part of any day between May 5 and May 12 ; that his work called him up there from time to time as he had explained ; that while Senator Gauss, Mr. Birtwell, and Mr. Lee had all three stated at the hearing that they saw him in the lobby or corridors on May 11, the day the vote was taken sending the bills to the next Legislature, he is ready to make oath that he was not on that day, May 11, above the floor on which the offices of the Board in the State House are located ; that he never asked a legislator to vote for or against any of the measures in question ; that he never “ scuttled ” away from the legislative corridors at the sight of Representative Meyers, or Dr. Baldwin, as they both testified ; that he believed Mr. Lee fathered that story and had since made the *amende*

honorable; that he knew of no reason why he should tremble in fear at the presence of the gentlemen named; that he never said in a conversation with Representative Fuller that the Grand Army button had no influence with the last Legislature; that he never did anything to influence the proposed separation of the Boston institutions; that his work had not been neglected during the past winter; that like Mr. Morton he had a great deal of time to his credit, as oftentimes he has worked from daylight to midnight for the Board; that he believed, when a falsehood was circulated to affect the passage of proposed legislation, it would be proper for him to take the State's time and spend the State's money, in the manner in which the employees spent it, in travelling to and from their homes to Boston, to assist in defeating such falsehoods as were published and preventing legislation attempted to be effected by such means, for that otherwise he would be recreant to his duty as one in the State's service; that he never asked any one, directly or indirectly, to vote on the question in issue; that he was of the belief that he did not surrender his liberty of thought, or opinion, or speech, when he became an employee of the State, but that he knew he had no right to devote his hours of employment to discussing any proposed legislation.

Witness Frederick G. Southmayd.

Mr. Frederick G. Southmayd testified that he resides at Springfield; that he has been five years in employment under the Board in Mr. Wrightington's division, and that he is one of those complained against; that he never solicited a member to vote; that Representative Stevenson spoke to him once in the committee room of the Committee on Public Charitable Institutions, after a hearing at which Mr. Southmayd had testified, Mr. Stevenson beginning the conversation about meeting him several years before at Pittsfield, that both naturally drifted into a conversation about the subject of the hearing, and Mr. Stevenson soon showed he was in favor of the proposed legislation; that Mr. Southmayd did not solicit his vote; that Representative Fuller is a fellow townsman and personal friend of his (Mr. Southmayd's),

and belongs to the same club he does in Springfield; that he asked Mr. Fuller, two or three times, what the status of the bills was, and asked him his probable opinion of the outcome, but never solicited his vote; that he did not think he was on the floor leading into the House of Representatives for half an hour the whole session; that he talked with Representative Sargent, of his town, that he was introduced to him by Mr. Fuller, and spoke to him, as a representative of his town, about the merits of the bill, but did not solicit his vote; that he came to Boston on the evening of May 10 at the request of Mr. Lewis and returned May 13, that he spent his time in Boston doing Board work in the office; that he had no communication with any legislator, May 10, or May 11; that on the latter date he went into the gallery of the House, while the vote was taken, at about 4 P.M.; that he remained perhaps twenty minutes; that he was at the Hall of the Representatives about five or ten minutes the day after, May 12; that he never asked Representative Sargent to vote, and that Messrs. Fuller and Stone are the representatives of his district; that when he arrived at Boston, late in the afternoon of May 10, Mr. Lewis called him to account, pleasantly, for not coming earlier in the day, but said that the necessity for coming had gone by; that Mr. Lewis told him it appeared a trade had been made by the Citizens' Association with the Committee of the Relief Officers' Association, for the latter Association to influence members, and in return for favors promised to the Relief Officers' Association for another session, but that it had had no effect; that Mr. Lewis did not go into any particulars of what Mr. Southmayd had to do in being called to town, as no action appeared to be then necessary in the matter, in the way of seeing members, to correct any misrepresentations, or to learn what effect the arrangement had on them.

Witness Henry L. Gardner.

Mr. Henry L. Gardner testified that he lives in Springfield, and is one of the employees of the Board, and one of those named by the complainants; that he arrived in Boston the evening of May 10; that he then met Messrs. Lewis,

Southmayd, and Morton; that he was informed a wrong statement had gone out, and it was important to know its effect on the minds of some of the legislators, that Mr. Lewis told him that he had better go to Lowell, where he had once lived, and from where he went into the army, and find out there, how the delegation of that place was affected; that he went there by the eight o'clock train the same evening, and returned to Boston at ten o'clock the next morning; that he saw no legislators in Lowell on his visit, but met three or four of them in the morning, on the train going to Boston, and conversed with them; that they did not say how they were going to vote; that he had no conversation with them about the merits or demerits of the bill, but that, in reply to his question as to how they thought the vote was going on the Children's bill, each said "I don't know, but I know how I am going to vote," without saying anything further; that he never solicited the vote of any member of the House; that once in the train he said to Representative Fuller of Springfield, he remembered, that he did not think one of the Commission had ever examined a home in his district, and that is all he said to him; that, upon his return to the State House, at 10 o'clock, May 11, the morning after he had gone to Lowell, he reported to Mr. Lewis the result of his visit; that then he started to go up to the gallery of the House; that he landed by mistake on the floor of the Hall, and there met Representatives Folsom, Fuller and Stone from his city, the latter and Mr. Folsom from his ward; that he then said to Representative Folsom what he had said to Mr. Fuller, — he did not believe the Commission had examined a home of a child in his district; that, learning from them that the Legislature would not meet for half an hour, he returned at once to the office of Mr. Wrightington, on the lower floor; that later he went to the gallery to hear the debate on the Children's bill, and remained until noon; that he returned in the afternoon and stayed in the gallery until the vote on the bill had been taken; that on the morning of May 12 he went up to the floor of the House with a sealed note from Mr. Lewis to a representative, and, finding he had not arrived, waited about twenty minutes, then took the note back to Mr.,

Lewis, and then went up stairs to the gallery, to listen to an expected vote for reconsideration of the bill, and, learning immediately that there would be no reconsideration, returned at once down stairs; that he then left for home, and arrived there the afternoon of May 12; that he did not see Mr. Lewis either on the floor or gallery of the House May 11; that he, Mr. Gardner, never told Mr. Fuller the Grand Army button did not appear to amount to anything with the representatives, but that he is a member of the Grand Army; that after returning from Lowell he asked Mr. Lewis, (as going there at that time was not part of his regular work,) to what account he should charge his railroad fare and hotel bill for the night at Lowell, and Mr. Lewis told him to charge it to the general account of his work, and he did so; that the hotel bill of his expenses to and from Lowell, on the occasion in question, with the railroad fares, was \$3.45.

Witness Nathan Coe.

Nathan Coe, of Springfield, testified that he was one of the employees under the Board who was included in the complaint to Your Excellency; that he was not in Boston in May until the night of the 10th; that he spent May 11 in the State House; that in the forenoon he went to the ladies' gallery of the House, and stayed until noon, and returned in the afternoon, remaining until the vote was taken; that he did not see Mr. Lewis there; that he is acquainted with only three legislators, — Representatives Stone, Bosworth and Hoag, all of Springfield, and the latter from witness's district; that he was present on May 10, when Mr. Lewis requested Mr. Gardner to learn how the Lowell delegation would be likely to vote; that he was not in the House of Representatives at all on May 12, remaining in Mr. Wrightington's office until he left for Providence, at six; that his expenses for coming, staying, and going home, were in the regular expense account; that he does not know Representative Fuller; that he never solicited the vote of Mr. Hoag, or of any other representative; that his expenses coming to Boston, his stay there, and fare back, amounted to a total of \$7.46.

At this point of the hearing the evidence of witnesses was introduced on the subject of the information on which Mr. S. C. Wrightington had called the visiting agents, — Messrs. Morton, Southmayd, Gardner, and Coe, — to Boston on the alleged misrepresentation, or suppression, of the truth, in the letter from Mr. C. C. Folsom to the secretary of the so-called Citizens' Association as, recited in a circular of the Citizens' Association, dated May 7, signed by Secretary Kehew, a copy of which was presented to the Board in the early part of the hearing.

EVIDENCE OF MEMBERS OF MASSACHUSETTS ASSOCIATION
OF RELIEF OFFICERS.

Witness Charles C. Folsom.

The first of the witnesses called was Mr. Charles C. Folsom, Agent of the Overseers of the Poor of Somerville, President of the Massachusetts Relief Association, and Chairman of the Legislative Committee of the latter organization. At the outset of his examination he said he had written a letter to Mrs. M. M. Kehew, under date May 6, 1897, reading as follows: —

MAY 6, 1897.

Mrs. M. M. KEHEW, *Secretary Citizens' Association, etc.*

DEAR MRS. KEHEW: — At a meeting of the Massachusetts Association Legislative Committee yesterday afternoon, it was voted to recommend to the Association at its next meeting, as follows, viz.: that we favor the passage this year of a law establishing the "Department for Children" and the "Board of Insanity," also "State care of Insane," if possible.

The Committee is of the opinion, that if these bills can be passed at this session, it will help next year in the passage of other matters recommended by the Commission.

Very respectfully,
(Signed) C. C. FOLSOM, *Chairman.*

Mr. Folsom stated that there was no suppression in the letter of what the actual vote of the Legislative Committee of the Massachusetts Association of Relief Officers was; that the statement in the letter was true, and anything to the con-

trary was groundless; that there was no secretary of the Legislative Committee meeting of Relief Officers at which the vote was passed, but that he wrote out the vote of the meeting, after he got home, as nearly as he could remember as it was passed; that each of the members of the Committee to whom he showed it, before he sent it to Secretary Kehew, said it was correct; that there was talk in reference to voting conditional support of the matter, but that when the vote was taken that was not in it; that the vote was as in the letter of Secretary Kehew; that he meant there was talk about requiring the Citizens' Committee (the other parties interested in promoting the legislation recommended by the Commission) to pledge themselves to support the bill for the State to relieve the towns and cities of the expense of supporting their insane themselves; that, before the vote was taken, May 5, the Committee had received a circular, signed by a number of citizens, in which they expressly stated they favored the whole Report. There was then a circular letter put in evidence by the counsel for complainants, and, though it was dated April 28, 1897, it did not appear when it was sent to the Committee of Relief Officers; it was signed by Secretary Kehew, and purported to come from a Committee of Citizens interested in promoting the passage of the recommendations of the Commission. The circular letter also gave notice, urging attendance "at an executive meeting to be held on April 30th, at 4.30 P. M., at Dr. C. P. Putnam's, 63 Marlborough Street," setting forth that "the meeting is called for the purpose of considering the best method of forwarding the passage by the Legislature of the bills presented by the Commission, and now under consideration by the Committee on Public Charitable Institutions." Chairman Folsom, of the Legislative Committee of Relief Officers, said he did not know whether the circular signed by Bishop Lawrence and others, and a circular letter of April 28, were before the Legislative Committee of the Relief Officers at that meeting when they passed a vote, or not; that, in reference to his version of the vote of the Relief Officers' Committee at the meeting of May 5, the Committee had never had any meeting since to ratify or confirm his version of the vote; that he thought there was a vote taken at the Marlborough Street meeting to support

the proposition of maintaining the insane of the towns and cities by the State, and that there certainly was talk at the Marlborough Street meeting that, if the Association of Relief Officers would support the Children's Department Bill, and a Bill for a separate Board of Insanity, the Committee of said Citizens would support the proposal of transferring the expense of support of the municipal insane from the towns and cities to the State, but that he "did not know as there was any vote;" that he thought it was likely he had a message from the Citizens' Committee at the Marlborough Street meeting to carry to his Legislative Committee of Relief Officers; that he thought Dr. Charles Putnam was Chairman of that meeting; that he did not think Bishop Lawrence was there; that he, Mr. Folsom, had verbal communication with the members of the Citizens' Committee of the Marlborough Street meeting of assurance of support for his Committee's bill, but no formal message; that he and Mr. Pettee, who also attended the Marlborough Street meeting from the Relief Officers' Committee, might have communicated to their own Committee that an overture had been made from the Marlborough Street meeting to the Committee, for mutuality in the advocacy of the measures, — that is that, if one body supported certain measures this year, the other would support that body in the particular features of legislation it wanted next year; that he thought that there were twenty to thirty persons at the Marlborough Street meeting.

Witness Benjamin Pettee.

Mr. Benjamin Pettee was then called, and said that he is Secretary of the Overseers of the Poor of Boston; that he is a member of the Legislative Committee of Relief Officers; that he should say the copy of the vote presented by Mr. Folsom, of the Committee of Relief Officers, passed at that meeting of May 5, is exactly as passed; that he attended the Marlborough Street meeting; that it was thought all that could be got through the Legislature at present was the Children's Bureau Bill; that the members of the Citizens' Committee said, — in reply to the suggestion that if the part they were immediately interested in got through this year

they might be no longer interested another year, — they were in for the whole Report of the Commission; that the suggestion that the whole or none be favored was therefore dropped. The members of the Citizens' Committee also stated, for the benefit of those members of the Relief Officers' Association who were not present, that a paper would be signed by a large number of those present, members of the Citizens' Committee, stating that they would work for it, and it was left that they should have a document signed and sent to Mr. Folsom, so that, when the matter came before the Association of Relief Officers, they could understand that other parties were willing to work with them, and would work with them, to the end; that he, the witness, did not remember the date of that meeting, but that it was previous to April 28, and that the promised paper was forwarded to Mr. Folsom; that at the meeting of the Legislative Committee the assurances of support given at the Marlborough Street meeting were reported as the assurances of some of our best citizens that they would help the Relief Officers' measures, and act with them on the bill of the Relief Officers; that the assurances were satisfactory to three out of the five present at the meeting of the Legislative Committee of Relief Officers; that he, the witness, did not look forward to the signed document promised at the Marlborough Street meeting to be given, as evidence of a promise to hold the Citizens' Association thereafter, but simply as an assurance that they would work for the Relief Committee's bill; that he cannot at all recall the date of the Marlborough Street meeting, and cannot say whether it was the date on the document (G) put in evidence, bearing date of April 28, or of the document (H) bearing the same date, and calling the meeting of April 30; or whether the meeting was held on either of those dates, or on some different date.

Mr. Pettee then had the form of vote presented to him, as originally put in evidence by Mr. Wrightington as a copy of an actual vote passed by the Legislative Committee of Relief Officers at its meeting, the copy reading as follows: —

Voted, That the Committee recommend to the Association to support legislation having for its object the establishment of a Department for Children and the creation of a Board of Insanity, *provided*, that the parties interested in these measures pledge themselves in writing to hereafter support a bill transferring the expense of maintaining the insane from the cities and towns to the State.

Mr. Pettee, on reading it, said it was "entirely incorrect;" that the vote of the Legislative Committee of Relief Officers was not in that form.

Witness Frank B. Gardner.

Mr. Frank B. Gardner, of Brockton, testified that he is a member of the Massachusetts Relief Officers' Association, and a member of its Legislative Committee of seven; that he was present at the meeting of the latter on May 5; that he remembered about the vote, as he made the motion; that Mr. Folsom's version of the vote, as given in Secretary Kehew's letter of May 7, is correct, and that there was no proviso or condition in it; that there was no requirement in the vote for a pledge in writing; that he thought there was a general understanding, at any rate, that if the Relief Officers' Association supported the scheme of the Citizens' Committee for a Board of Insanity and for a separate Department for Children, the Citizens' Committee would support the measure which the Relief Officers' Association was advocating, — that the municipal insane would be supported out of the State treasury; that he was perfectly satisfied the intent was to join forces for the passage of the bills; that he did not think he put his motion for the vote in writing; that the language of his motion was "practically, that we favor the passage this year of a law establishing a Department for Children and the Board of Insanity, also State care of insane, if possible;" that, when the doings of the Committee and the vote were reported to the Relief Officers' Association, May 12, the Association voted to refer the matter back to the Legislative Committee; that, at a meeting of the Association in April, he made a motion, which was carried, to the effect that, if all that was to be got this year was a

Children's Bureau, the Association was in favor of all the measures recommended by the Commission going over to the next Legislature.

Witness William A. Fletcher.

Mr. William A. Fletcher testified that he is visitor for the Overseers of the Poor of Fall River, and a member of the Legislative Committee of the Massachusetts Association of Relief Officers; that he was at the meeting of the Committee in Boston, May 5, at which were also present Messrs. Folsom, Pettee, Hartshorn, and Gardner; that there was no secretary acting, and the members absent were James H. Lewis, of Springfield, and Edward Brown, of Salem; that the substance of the vote passed at the meeting was: that the Committee recommend to the Association, — meaning the Massachusetts Association of Relief Officers, — to support legislation having for its object the establishing of a Department for Children, and the creation of a Board of Insanity, *provided*, that the parties interested in these measures pledge themselves in writing to hereafter support a bill transferring the expense of maintaining the insane from the cities and towns to the State; that that was the substance of the vote, — Mr. Gardner of Brockton making the motion for it and Messrs. Pettee and Folsom advocating it, and voting in favor of it; that he and Mr. Hartshorn of Malden voted against the motion; that no one reduced the vote to writing; that the Committee subsequently reported their doings to the Association, May 12, but the proviso or conditional clause was omitted; that there was considerable debate maintained by the minority of the Committee, — Messrs. Fletcher and Hartshorn, — that they took exception to the omission; that the Association then referred the report of the Committee back, without instructions; that at the meeting, in reply to complaint of omission, Mr. Gardner said the motion was conditional on certain matters; that Mr. Folsom said he thought he wrote the vote as it passed as he understood it; that Mr. Pettee thought the vote as written by Mr. Fletcher was correct.

Witness Henry M. Hartshorn.

Mr. Henry M. Hartshorn testified that he is Secretary of the Overseers of the Poor of Malden, and City Almoner; that he was present at the meeting of the Legislative Committee of Relief Officers, and that the meeting was a long one; that he recollects distinctly that the vote embodied the condition or proviso in question, and that the vote was coupled with such a condition; that the whole discussion at the meeting was on the line of the consideration for the support asked for by the Citizens' Committee, and that the vote was passed on condition that the support required by the Relief Officers for their bill should be given by the Citizens' Committee; that finally he would not say the proviso or condition was embodied in the vote, but that the vote was passed with the understanding that each organization would give its support to the matters in which each was interested; that the condition was "part and parcel of a verbal vote that was passed;" that the statement of the vote sent by Mr. Folsom does not state the whole.

(End of testimony of members of Massachusetts Relief Officers' Association.)

Witness Joseph Lee.

Mr. Joseph Lee, one of the complainants against the employees charged, said, in the course of his testimony, that he, his co-complainants, and others called a meeting March 11; that about sixty persons were present; that it was not literally a representative meeting; that the meeting of sixty chose a permanent citizens' committee of twenty, and met no more; that the citizens' committee chose a small sub-committee, of which the complainants were members; that the object of the meeting of the sixty persons was to get up an organization to promote the adoption of the report of the Commission to Investigate the Public Charitable and Reformatory Interests and Institutions of Massachusetts (a report made to his Excellency the Governor, March 4); that, at the time of the last hearing before the Committee on Public Charitable Institutions of the Legislature, Mr. Folsom, of

the Legislative Committee of Relief Officers, said he was opposed to the bill for a Children's Department unless the rest of the report went with it; that he had a conversation with him and others of the Relief Officers' Committee; and later, Mr. Folsom and Mr. Pettee, partly at his suggestion, attended the Marlborough Street meeting; that there was a discussion there about each committee supporting the other in the measures advocated by each; that the result of that discussion was that Messrs. Folsom and Pettee went off from the Marlborough Street meeting non-committal; that the meeting of sixty, organized March 11, was gotten up to favor the whole report of the Commission; that the Relief Officers got it into their heads that the Citizens' Committee wanted to drop what they (the Relief Officers) wanted to have passed by the Legislature; that the Citizens' Committee favored the whole report, and the Relief Officers a part, — that is the measure of supporting the municipal insane poor out of the State treasury; that there was proposed co-operation at the Marlborough Street meeting between the Citizens' Committee and the Relief Officers, but a union to cause active co-operation was not effected; that he did not think it extraordinary to start an organization for pushing such legislation as the Citizens' Committee advocated; that it was thought the legislation was desirable and that something ought to be done to get it through, as there would be strong opposition, probably; that one of the objects of the complainants, in making the complaint against the employees charged, was partly to affect the passage by the next Legislature of the bills advocated by the Citizens' Committee, and partly in the interest of public morals, and that he thought the public mind was not very clear on the subject of lobbying, and that he thought it ought to be; that in 1895 he was in favor of the Children's Bureau Bill; that there was about \$1,000 spent then for printing in advocacy of it; that he didn't know what was paid Mr. Hale and another gentleman for legal services in the matter then; that there was an organization in 1895 that did spend a great deal of money to get the Children's Bureau Bill through.

CONSIDERATIONS IN REVIEWING THE EVIDENCE.

The foregoing recital covers the substance of the evidence, as bearing upon the charges of the complainants, and the defence of the employees charged, as well as tending to show the origin of the action of Mr. Wrightington in causing the employees charged, who were under him, to be called to Boston, as stated by him in his evidence as a witness, when called at the hearing in behalf of the complainants. Your Excellency will have an opportunity to verify the correctness of the summary of the evidence as given, by referring to the stenographic copy of the testimony, herewith transmitted.

The Board, in considering a complaint of this character and the evidence in the case, has for the first time in its history to determine the course of conduct and duties of its members, officers, and other employees, in instances where proposed legislation concerning the administration of the charities of the Commonwealth may be pending. No precedents, of which the Board is aware, have been heretofore established in any of the departments of the State government, by any of the elective officers of the State; nor have the many Commissions of the State, with their members, agents, and employees, laid down any formal rule to be adhered to in a case like the one under consideration.

It seems to the Board :

That it is the duty of every elective officer of the State government, and of every commission, to seek proper opportunity to inform, not only the Legislature, but the Chief Executive, concerning any pending measure, and the evils or advantages which may follow to the Commonwealth from it in all cases of proposed legislation.

That it is the right of every elective officer of the State government, and every member of a commission, paid or unpaid, to express his views openly at any time in public or private, in common with all his fellow citizens, subject only to the same limitations which should control each citizen in the exercise of a proper discretion regarding manner, time, place, and circumstances, in giving expression to his opinions.

That no salaried member of a Commission, or paid employee, has the right, during his hours of employment in the State service, for which he is paid out of the treasury of the Commonwealth, to devote his time and services to any other object or purpose than that for which he is paid, unless the law clearly appears to the contrary.

That no salaried elective officer of the State, or member of a salaried Commission, should devote any time for which he is paid by the State to any legislative committee, or before any paid officers, except when duly summoned before the courts, or a legislative committee, without being able to make it appear, at all times thereafter, that he was discharging a duty incumbent upon him in the service of the State, and a service within the scope of his office, and within the line of his duty.

That no salaried officer, agent, or other employee, in any department of the State, or under any State Commission, should give any of the hours for which he is employed to any service, except that for which he is regularly employed and paid by the State, and except also that he shall be subject to be summoned by the elective officer of the Department, or Board, or Commission itself under which he may be serving, to appear before any legislative committee to give evidence in any matter under inquiry before the committee.

That no superintendent, or other superior in office, under an elective officer of the State, or under a Commission, has the right to direct any employee of the State under him to solicit the aid or influence, or vote of any legislator, on any measures pending before the Legislature.

That no salaried officer in the service of the State should direct, or allow, any employee under him to incur any expense in the service of the State other than that required in the regular course of his employment, without authority from the head of the department of the State, or the chairman of the Commission, or a majority of the members of the Commission under which he may be serving, unless it clearly appears that he is acting within the line of his duties to the State.

Assuming that such rules for guidance should be followed in the ordinary course of the discharge of the duties of the

Board, its members, and the officers and other employees under it, the Board will first proceed to consider the evidence presented to sustain the charges made by the complainants, Messrs. Charles P. Putnam, Henry F. Baldwin, Arthur Lyman, Joseph Lee, and J. G. Thorp against Messrs. Joshua F. Lewis, Charles A. Morton, Frederick G. Southmayd, Henry L. Gardner, and Nathan Coe; that the five last named persons, as paid employees under the Board “between May 5 and May 12, were busy and conspicuous for several days making efforts by personal solicitation to influence the votes of members of the Legislature, in other words, doing what is expressed by the word ‘lobbying’; that their activity in personal solicitation was conspicuous and much commented upon, and was by no means limited to the precincts of the State House.”

REVIEW OF EVIDENCE.

Reviewing carefully the evidence of the six legislators called as witnesses in behalf of the complainants, to assist in sustaining the charges of lobbying by personal solicitation in or about the legislative chambers,—of the six legislators called upon to testify, Senator Gauss and Representatives Myers, Lowell, and Bailey, declared that none of the parties charged solicited them to vote, or spoke to them concerning any proposed legislation; nor did the witnesses say that they heard the parties complained of address, or solicit, any other person to vote on any question before the Legislature. Representative Parsons stated that Mr. Morton, who is an acquaintance of his, resides in his part of the State; that he had two conversations with Mr. Morton on the general question of a proposed Children’s Bureau last year, after his, Mr. Parsons’, first election to the Legislature, and this year had met Mr. Morton, either in the Hall of the Representatives, or the corridor of it, when the House was not in session, and that Mr. Morton introduced the subject in regard to the witness’s position this year; that the conversation was very brief; that Mr. Morton expressed the hope that the witness was in favor of a reference of the questions involved to the next General Court; that later he

had a conversation with Mr. Morton, either at the Adams House, or near the Hall of Representatives, and the matter was briefly mentioned again. All of the respondents testified at the hearing, and denied that they solicited any legislator to vote for or against the measures in question. Mr. Morton, in addition, specifically stated that his conversation last year with Mr. Parsons, after the election of the latter, and concerning the Children's Bureau proposed at that time, was commenced by Mr. Parsons; that the conversation was in the office of the "Greenfield Gazette and Courier," of which Mr. Parsons is associate editor; that Mr. Parsons said that a good many documents had been sent to him, that he had been interviewed on the question of a proposed Children's Bureau, and that he showed the witness an article he had written, printed in the editorial column of the newspaper, stating that the writer had read everything issued by the advocates of the bill, that he had heard nothing from the State Board, and, so far as he had acquired information on the subject, no change was necessary; that he had no recollection of any other conversation with Mr. Parsons than the one referred to, which occurred in November, 1895, at Greenfield, until late in the day of May 10, 1897, that the Representatives had adjourned early that day on account of the "ball game;" that he saw Mr. Parsons in the Hall of Representatives on the occasion, and there referred to his conversation with him in November, 1895, immediately after Mr. Parsons's first election; that Mr. Parsons said he had changed his mind since then; that the entire conversation occupied only about three minutes. The respondents all said that they had attended as witnesses the hearings before the Committee on Public Charitable Institutions on the question of a State Bureau for children, during the times the Committee had the hearings on that subject, and they all stated they went from time to time to the gallery of the House while the debate on the question of referring that subject and the other measures allied to it to the next Legislature was pending or was expected. It appeared also from their statements that several of them were in the corridor of the House of Representatives for a short time on May 11, after the vote on the whole subject of

reference to the next General Court had been taken. Mr. Lewis denied specifically that he was on the floor of the legislative chambers on May 11, or at any time on that day, above the basement of the State House, where the office in which he is employed is situated. In this statement he was materially supported by two other witnesses. Messrs. Birtwell, Baldwin, and Lee, the two latter being two of the five complainants to Your Excellency, testified at the hearing, but none of them appeared to have any knowledge of any solicitation of legislators by any of the parties they accused; Messrs. Birtwell and Baldwin simply stated that they saw some of the accused in the gallery of the House several times, or about the entrance of the House in April and May. Mr. Lee said he had seen Messrs. Lewis and Morton three or four times about the entrance of the legislative chambers in May, while the House was sitting. It appeared in the course of the hearing that Messrs. Baldwin, Lee, and others interested, directed, on each occasion when they saw any of the accused employees in the gallery, or near the House, the attention of many of the legislators to the fact, and gave the impression to them, owing to their own suspicions, that the parties accused were present each time for the purpose of interviewing legislators on the question in which the members of the so-called Citizens' Committee were interested, and were present, and active in behalf of their measures.

It should not escape notice, in considering the evidence, that out of the whole number, 280, of the members of the Legislature, many of whom are supposed by the complainants to have been approached and lobbied by the accused, only six have been called as witnesses by the complainants, and with the exception of Mr Parsons's statement regarding Mr. Morton, all failed to testify to any knowledge of lobbying on the part of the parties charged, either at the State House or elsewhere; though in view of the sweeping charge made against the accused employees of open and public solicitation for votes in and near the legislative chambers, and for the days intervening between May 5 and May 11, some better evidence could be obtained, if it existed, than the evidence furnished at the hearings in behalf of the complainants; and

that some, at least, of the legislators, would have been sufficiently informed, and have sufficient public spirit to come forward and testify, in contradiction of the statements of the employees accused, that they had not solicited the votes of legislators on the measures in which so many on each side were so strongly interested, if what the accused employees had said were not true. It is not conceivable that if the employees accused had been guilty of the misconduct charged against them to the extent of "lobbying" many members of the Legislature, openly and publicly for seven successive days, and at other times through the entire session of the Legislature, as finally claimed by the complainants at the hearings, that all the legislators would remain silent, if they had any knowledge of such misconduct, or of any attempt on the part of any person guilty of it to dare to falsify himself publicly.

There is the absence of the necessary evidence which should have been furnished by the prosecution to sustain the charges; there is the evidence of the accused, who submitted themselves to thorough examination at the hearings, in denial of the charges, and there is a public admission of the counsel of the complainants that the accused are men of good reputation and character.

Origin of the Charges.

It is not difficult for any one who heard the testimony to understand how the charges originated, and what led to the making of them. It was developed in evidence at the hearings that the principal complainants and others associated with them commenced organizing associations, and agitating in the Legislature in 1895, the question of establishing a board of trustees to be styled the Children's Bureau, for the care of the children under the charge of the State Board of Lunacy and Charity. Public hearings took place before the Legislative Committee on Public Charitable Institutions, but finally the advocates of the measure failed to obtain an adoption of their views by the Legislature. Another effort was made by the same parties in the Legislature of 1896, and that body disposed of the question in the same manner as in the

year before. At the late session of the Legislature, the same parties who were active in the Children's Bureau in 1895 and 1896 resorted to different means to carry their measures through. Joseph Lee and H. C. Baldwin testified to the issuing of a call by them and their associates for the meeting of March 11, to form an organization or association to promote the adoption by the Legislature of all measures recommended in the Report of the Commission, charitable and penal.

Formation of a "Committee of Citizens," and its Conferences with Relief Officers.

The evidence shows the meeting was held March 11, pursuant to the call; that sixty or more persons were present, and the meeting was styled "A Committee of Citizens;" that that Committee never had another meeting; that so far as appears, of the sixty persons who attended the meeting, many have had experience in the work of the benevolent associations of Boston, not one in the administration of the minor charities of the State; that three or four have some general knowledge of the management of several of the larger State charitable institutions; and but one or two any experience concerning the administration of the reformatories, jails and prisons of the Commonwealth; that it was conceded it was not "literally a representative body;" that it delegated all its powers to a committee of twenty, which styled itself also a "Committee of Citizens;" that a little later this Committee appointed a sub-committee, of which Mr. Lee, and his co-complainants against the accused employees, were members, and that the sub-committee was appointed with full power to carry out the ends and purposes for which the Association was created, and that the last named committee also styled itself a "Committee of Citizens;" that the complainants and others associated with them, all under the name of a "Committee of Citizens," on or about April 30, held a meeting at a house in Marlborough Street, Boston, at which one of the complainants, Dr. Chas. P. Putnam, was chairman; that there they met in conference with two members of the Legislative Committee of the Massachusetts Association of Town and City

Relief Officers, which Association was advocating, and trying to carry through a recommendation that the Commonwealth should pay out of the State treasury for the support of the insane, now supported by the towns and cities at their expense; that the members of the Committee of Citizens proposed to give their support to the measure advocated by the Association of Relief Officers, if the latter would aid them in the Legislature during the past session in carrying through a bill for a Children's Department, and another bill for a distinct State Board of Trustees for the Insane.

Evidence of Proposed Bargaining.

It is clearly in evidence that a bargain of this character was proposed at the Marlborough Street meeting by the Committee of Citizens, as the evidence of Mr. Lee and the witnesses from the Relief Officers' Association, namely, Messrs. Folsom, Pettee, Fletcher, Hartshorn, and F. B. Gardner, will show; that the assurance was given to the two members of the Committee of Relief Officers present at the Marlborough Street meeting that a signed pledge of support would be given the Relief Officers' Legislative Committee, by the members of the Citizens' Committee, to ensure in return the aid of the Relief Officers to the measures of legislation advocated by the Citizens' Committee, proposed by them to be passed at the late session; and that such a pledge was given, in the form of a printed paper.

Object in forming the Committee of Citizens.

It is apparent from the evidence that but very few of those who attended the meeting of March 11 could have given any serious thought to the Report of the Commission, for as the Report was not public property until March 4, when it was transmitted to the Legislature by Your Excellency, its contents could not have been known until then, by the body of the persons who attended the meeting, or generally by the citizens of the Commonwealth. Some few parties had apparently planned the movement for their own ends, and called the sixty persons together, the body of whom voted innocently to promote all the recommendations in the Report,

without having any actual knowledge, or having made any real study of it. The next step was easy for such a meeting to take, that is, to delegate the whole matter to a committee of twenty, then and there named, and then dissolve their meeting. The next and final step was for the committee of twenty in turn to delegate the whole of their duties to a small sub-committee, of which the complainants in the case were members, who were the real organizers and promoters of the meeting, and who have carried the matter along ever since by all the means in their power, and in furtherance of their own special bills and measures of proposed legislation, apparently regardless of the general interests of the Commonwealth in her whole system of administering her charitable and penal institutions, and apparently regardless or forgetful of what criticism would be indulged in by the people of the State, when it was learned that it was proposed to carry through the Legislature the special bills and measures of the complainants by bargaining or negotiating, as the merest professional lobbyist would with his fellows, each to support the measure of the other party, and each party having mainly in view only its own ends and purposes. Such conduct in the primitive times of our country was what was termed "log-rolling," and then it never was considered in keeping with public morals to attempt to carry any measure through the Legislature except on its merits, and because the people of the Commonwealth desired it. Mr. Lee, one of the principal complainants, stated in his testimony, that the complaint was made against the five employees of the State "partly to affect the passage of the bill in the future and partly to affect public morals;" "that the public mind was not very clear on the subject of lobbying, and he thought it ought to be." The people of the State will learn with surprise that among some of its well educated citizens it is considered eminently proper, when any projects assumed to be philanthropic are advocated, to resort to the expedient of the professional lobbyist to carry them through the Legislature, that is, by "log-rolling" or bargaining with any one having another project to carry through to support his measure, in consideration of a promise of support from him for the other.

CONCLUSION.

The Board cannot avoid the conclusion, from all the evidence they have in the case, that the principal complainants made the charges against the accused employees, not so much from motives affecting the public welfare, as because of their strong personal feelings in favor of their projects, and on mere suspicion that the employees accused were counter-lobbying, that is, lobbying against the measures which the principal complainants were lobbying for, during the whole of the middle and latter part of the session of the Legislature, all in the name of a body of their own creation, which, in some of their many circulars and other publications issued to the Legislature and the public, they styled at times "The Citizens' Association," and at other times "A Committee of Citizens," though on their own evidence the Citizens' Association, so called by them, never met but once, and then could have had but the vaguest view of the objects and purposes of the meeting. Citizens who have a due sense of responsibility, in making charges publicly of misconduct against others, are usually careful to have substantial evidence to sustain the charges they make before presenting them. Justice requires this, and the law demands it in every instance; so that wrong shall not be done any man, nor scandal given him wantonly. Public officers are public servants, and as such require and need a large measure of protection in the faithful discharge of their duties, as their conduct is frequently misjudged, and they are frequently the subjects of unjust criticisms when discharging duties, often unpleasant, with kindness and consideration. In the present instance the Board finds there is no evidence sufficient to sustain the charges made against any of the persons accused, and cannot refrain from censuring and condemning the action of the complainants in making the charges, which one of the principal complainants admits in his evidence was, that their action might favorably influence legislation for their measures in the next General Court.

THE STATE BOARD OF LUNACY AND CHARITY,

JOHN D. WELLS, *Clerk.*

MEMORANDUM. — In the course of the hearing, S. C. Wrightington, Superintendent of the Division or Department of the Board in which the parties accused are employed, stated, when called as a witness by the complainants, that he caused the employees in question to come from their homes, May 10, to explain to the legislators from their section of the State that a circular issued May 7 by the so-called Committee was false, as he had good reason to believe, and was calculated to mislead the members. Since the close of the hearing, Mr. Wrightington has informed the Board that he has ascertained that the cost to the State for the expenses of the employees summoned, including the expense of returning to their homes, was \$51.53; that as some persons had questioned his right to cause such an expense to be incurred by the State for such a purpose, he had deposited, Sept. 1, 1897, from his own funds, the amount expended with the State Treasurer, and at the disposal of the Commonwealth. It will therefore remain in the State treasury absolutely, unless the Legislature shall choose to inquire into the whole subject matter, and determine to make some other disposition of it. The hearing was on the complaint against the five employees; the evidence concerning the expenditures made from the State treasury, on the action and motion of Mr. Wrightington, came out incidentally at the hearing. Mr. Wrightington appears to have acted in good faith in the matter, and so declared in his evidence at the hearing, believing he was only acting in the discharge of a duty incumbent upon him as an officer of the State, in calling the employees to Boston on the occasion mentioned. The several employees charged are not confined or limited, in their hours of labor, to the usual time of service of other persons employed by the departments and commissions of the State, — that is, from 9 A.M. to 5 P.M., — but their labors and duties, as visitors of the Board, involve much work in traveling and investigating, not only during the day, but frequently extending considerably into the night, and without extra compensation. Mr. Wrightington's letter to the Board (I) and a copy of his letter to the State Treasurer (K), when he transmitted the sum in question to him, are annexed to this Report, with the other letters and papers referred to in the earlier part of the Report, and form part of it.

COPIES OF LETTERS AND DOCUMENTS REFERRED TO IN BODY OF
REPORT.

[A]

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, BOSTON, May 27, 1897.*To the Board of Lunacy and Charity.*

Complaint has been made both by members of the Legislature and by other reputable citizens of the Commonwealth that the paid employees of your Board have been busy and conspicuous in favoring or opposing certain bills while under the direct consideration of the Legislature. The statement has been made to me with much circumstantiality that certain of these officials have spent the greater part of several consecutive days in or near the legislative chambers making efforts by personal solicitation to influence the votes of members of the Legislature; in other words, doing what is expressed by the term of "lobbying."

Without now inquiring whether this was done under the orders of your Board or with its knowledge and assent, I feel that these statements are definite enough to warrant action on my part.

The case to which I now call your attention is not the only case in which similar conduct of paid officers of the Commonwealth has of late been criticised.

I fully recognize the right and duty of heads of departments and other officials of the State government, when summoned or invited to appear before the legislative committees, to present their views of proposed legislation with such weight as their experience and special knowledge may give. It has always seemed to me that after the committees have reported, this right and duty cease. Such conduct as above alleged on the part of paid officials is in my opinion improper, especially so when it touches matters affecting the salaries, duties and powers of the departments with which they happen to be connected.

I deem it my duty to call this matter to your consideration, and, unless my information can be shown to have been mistaken, I ask that your Board take such action as shall prevent a repetition of such misconduct.

Very truly yours,
(Signed) ROGER WOLCOTT.

[B]

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF LUNACY AND CHARITY, BOSTON, June 1, 1897.

To His Excellency ROGER WOLCOTT, *Governor of the Commonwealth.*

YOUR EXCELLENCY:—I am instructed by the State Board of Lunacy and Charity to acknowledge the receipt of your note of the 27th ult. to the Board, in which communication you direct the attention of the Board to the alleged misconduct of certain of its employees, in the following language:—

“Complaint has been made both by members of the Legislature and by other reputable citizens of the Commonwealth that the paid employees of your Board have been busy and conspicuous in favoring or opposing certain bills while under the direct consideration of the Legislature. The statement has been made to me with much circumstantiality that certain of these officials have spent the greater part of several consecutive days in or near the legislative chambers making efforts, by personal solicitation, to influence the votes of members of the Legislature; in other words, doing what is expressed by the term ‘lobbying’.

“Without now inquiring whether this was done under the orders of your Board, or with its knowledge and assent, I feel that these statements are definite enough to warrant action on my part.”

In reference to the first paragraph of the letter of Your Excellency, the Board will at once proceed to examine into the charges made. The persons stating them to Your Excellency can give the names of the parties charged with the misconduct alleged, and the character and extent of it. The persons accused will then have an opportunity to be heard in denial, admission, or explanation of what may be specified against them.

If Your Excellency will furnish the names and addresses of the persons who have made the charges, the Board will apprise them individually of the time and place of the hearing; and should Your Excellency communicate also to the Board the names of the alleged offending employees at the same time, the examination can go forward immediately.

On or about April 23 last, and a considerable time prior to the report of the Committee on Public Charitable Institutions, recommending that the report of the legislative commission on the charities of the State be referred to the next General Court, the Chairman of the Board had his attention called to a statement that some of the employees had been conversing with members of the Legislature, and expressing their views, in opposition to pro-

Messrs. Lewis, Morton, Coe, Southmayd and Gardner, all being paid employees of your Board, were frequently seen in the legislative chambers or in the rooms immediately adjoining them, in some cases their presence being noted during the greater part of the legislative session of the day, and that their activity in personal solicitation was conspicuous and much commented upon, and was by no means limited to the precincts of the State House. Among many by whom it was observed and criticised I may mention Senator Gauss, and Messrs. Fuller of Springfield, Lowell of Boston, Myers of Cambridge, Parsons of Greenfield and Stevenson of Pittsfield of the House of Representatives.

My communication was intended as a condemnation of such conduct on the part of paid employees of any department of the State government, and was not intended in any way to convey censure of your Board, unless it should appear that they made themselves responsible for their subordinates by authorizing or justifying such conduct on their part. As you had already warned them against such violation of official propriety, thus making it clear that your own opinion agrees with mine in the matter, it only remains for me to reiterate the request expressed in my former note that, unless my information can be shown to be mistaken, your Board shall take such action as shall prevent a repetition of such misconduct.

Very truly yours,

(Signed)

ROGER WOLCOTT.

[D]

BOSTON, June 10, 1897.

To His Excellency Governor WOLCOTT.

As the legislators named in your letter to the State Board of Lunacy and Charity very naturally declined to appear before that Board "as complainants in the case" of the alleged lobbying of the employees of that Board, it has been suggested that we, who were among those who brought the matter to the attention of Your Excellency, should appear as complainants at the hearing.

Your Excellency will remember that in our communication to you, our criticisms and complaints were directed against members of the Board and not against its employees. Our interest in legislation which was opposed by the Board led us to be at the State House frequently during the weeks of this session, when this legislation was pending, both in committee and before the House. While there, our attention was directed this year, as it has been in past years, to the frequent presence of the employees of the Board engaged in conversation with the members of the Legislature.

To our own observations were added the statements of members of the Legislature — some of those named in your letter and others — that their votes had been solicited by these employees both in and outside of the State House. In fact, these attempts to influence legislation were in our hearing frequently commented on and severely criticised by members of the Legislature.

This matter was brought to the attention of the chairman of the Board, with the result, as he says, that “the chairman instructed the agents and employees of the Board to refrain from any intermeddling in this matter [the public institutions bill] or in any kindred legislation that would give even the appearance of what is known as lobbying, so as to avoid any complaint or suggestion of grounds of complaint against them.” This action on the part of the chairman of the Board had no apparent effect on the employees, as immediately after it they were as active as ever.

Another attempt was made by us to protest, and an appointment was sought by the chairman and another member of the Board to that end. The chairman telegraphed his inability to meet us, and the appointment failed. The solicitation of votes continued, and the following letter was written and sent to the chairman of the Board: —

1003 EXCHANGE BUILDING, BOSTON, May 10, 1897.

GEORGE W. JOHNSON, Esq., *Chairman of the State Board of Lunacy and Charity, Brookfield, Mass.*

DEAR SIR: — It has been brought to our notice that paid employees of the State Board of Lunacy and Charity are engaged in interviewing members of the General Court in opposition to an act based upon some of the recommendations of the Commission appointed by Governor Wolcott to investigate the charitable and reformatory interests and institutions of the Commonwealth. This has been done to such an extent as must necessarily interfere in some cases with their performance of the duties for which they are employed and paid by the State. The impropriety of this practice will at once be evident to you, and we respectfully request that it be discontinued. You will see the necessity for immediate action, as the Bill is now before the House of Representatives.

For a Committee of Citizens,

Yours respectfully,

JOSEPH LEE.

ARTHUR LYMAN.

To this letter no reply has ever been received. Because of these facts, and believing that such repeated and continuous efforts to influence votes by employees of the Board in the State House, in

the hotel lobbies of Boston and elsewhere throughout the State, as have been brought to our knowledge, would not have occurred under any proper system of direction or control without the knowledge of their superior officers; and, being convinced that no employee would have ventured to continue his efforts to influence votes in open disregard of an order issued as late as April 23, that employees should avoid even the appearance of what is known as lobbying, unless they had the approval of some one in authority, we made our protest to Your Excellency in the form of complaints against members of the Board.

While the action of the employees was objectionable, the degree of their offence is dependent on what they believed to be their duty in the premises. If their superiors directed, approved or merely acquiesced in their action, they are hardly to be blamed and their superiors are responsible. If they acted without the knowledge of their superiors and continued to do so for several weeks without detection, they were wrong indeed; but the ignorance of their superiors under such circumstances is nearly as open to censure as acquiescence or approval. The Board, or rather the legislative committee of the Board, which had charge of all legislative matters, are in this dilemma: either they knew of this action on the part of their employees or they did not know of it; in either case, it seems to us, they are open to censure.

It would be obviously unjust, as we think, to proceed against subordinates before a tribunal including members who either authorized, approved or improperly permitted the acts complained of, and we therefore do not wish to appear before this Board to complain against their subordinates. The time for the Board to appoint hearings and to act as a tribunal was when complaint was made to it in the first place, or when it learned by further complaints that its direction to refrain from all appearance of what is known as "lobbying" had been disregarded. The Board's failure to act effectively when the case was before it, and when the evil could have been prevented in part, at least, makes some of its members, as it seems to us, parties in the case. Its employees are no longer the principal defendants. We believe that the steps already taken in this matter by Your Excellency met with hearty public approval, and are the proper preliminaries to a full and public investigation before Your Excellency or any disinterested tribunal which you may name; and we shall be glad not only to appear before such a tribunal and testify, but also take such other affirmative action as Your Excellency may desire. In order to avoid delay, as the session of the General Court is so near to its

close, it has seemed to us proper to send a copy of this letter to the members of the Legislature named in your letter, that they may be promptly informed of your position.

Very respectfully yours,

J. G. THORP.

CHARLES P. PUTNAM.

HENRY C. BALDWIN.

JOSEPH LEE.

ARTHUR LYMAN.

[E]

BOSTON, June 22, 1897.

Mr. JOHN D. WELLS, *Clerk of the State Board of Lunacy and Charity.*

DEAR SIR: — We beg to acknowledge the receipt by each of us of the following communication: —

JUNE 21, 1897.

DEAR SIR: — You are hereby notified that the State Board of Lunacy and Charity will commence a hearing on Friday, 25th inst., at 10.30 A.M. at Room 38, State House, upon the statements in the two communications of His Excellency the Governor to the Board, one bearing date of May 27, 1897, and the other of June 3, 1897, and both concerning the alleged misconduct of certain employees under the Board, and you are invited to give such evidence as you possess regarding the matter.

The Chairman of the Board has declined to sit at the hearing on the ground that he has expressed himself recently in an open letter in characterization of the conduct of certain persons who may be called upon to give testimony at the hearing.

Respectfully yours,

JOHN D. WELLS,

Clerk of the Board.

We regret that your Board has not seen fit to second the request contained in our letter to His Excellency the Governor, of June 10, for a hearing before a disinterested tribunal, where the investigation could cover fully, not only “the alleged misconduct of certain employees under the Board,” but also the subject of our complaint to the Governor, namely, the knowledge and responsibility of members of your Board, and could include findings on both these points.

However, as your Board has not thought it necessary to take this course, we shall avail ourselves of the only opportunity of investigating these matters which they have seen fit to afford us

or to assist us in securing, and will be present with counsel at the hearing as notified.

We do this upon the assumption and condition that the investigation which takes place before your Board will be of the same thorough and open character in all respects that it would be if conducted by such a tribunal as we suggested and hoped you would feel bound to request of the Governor.

Such a hearing necessarily involves the fullest opportunity to call, examine and cross-examine all such witnesses as our counsel may think will throw light upon the question at issue, including, especially, the employees of your Board, with the usual opportunities of introducing such other evidence of record or otherwise as may be thought necessary, including, of course, the reports of your employees showing their whereabouts during April and May last.

We send you this letter at the earliest possible moment after the receipt of your notice, and we will be present prepared to proceed as above indicated, unless notified by you before the hearing that the Board declines to have the hearing proceed on the basis indicated.

We hope that every member of the Board will appreciate the importance of being present in order that they may give all such information as they may have bearing on the question.

Very truly yours,

(Signed)

J. G. THORP.

CHARLES P. PUTNAM.

JOSEPH LEE.

H. C. BALDWIN.

ARTHUR LYMAN.

[F]

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF LUNACY AND CHARITY, CLERK'S OFFICE,
STATE HOUSE, BOSTON, June 25, 1897.

Messrs. J. G. THORP, CHAS. P. PUTNAM, JOSEPH LEE, HENRY C. BALDWIN and ARTHUR LYMAN.

GENTLEMEN : — The State Board of Lunacy and Charity instructs me to write you as follows : —

That is to say, the Board returns to you your letter of the 22d inst., as a communication which, in imputing to the Board, or any

of its members, publicly or privately, unworthy motives of conduct in connection with the alleged misconduct of any of the employees under the Board, who are charged with interfering improperly with proposed legislation regarding the State Charities, is unfit to be received by the Board, or to be placed on its official files; that no greater injury can be done the public service than to foster or encourage by example or effort, as you have done in your letter, and in a letter of recent date to His Excellency the Governor, an entire disregard of that decorum which should be observed toward public bodies and their members in the service of the State, and while in the exercise and discharge of their duties.

The Board farther says that should any public officer violate the obligation of his office, there is a remedy for such misconduct, as every intelligent citizen knows; that should you, or any one of you, have any evidence in your possession of any misconduct in office on the part of any member, or members, of the Board, you have a plain duty to perform, — not to resort to innuendo, but to name the member or members; duly formulate your charges, present them to the proper authority, and then, at a duly appointed hearing, substantiate the charges by proper evidence; that, until then, that sense of decency and justice which restrains persons from assailing others in private life unjustly should make you at least observe silence.

The Board is ready to receive the testimony of each of you at the proposed hearing to-day concerning the alleged misconduct of the employees in question; but will decline to recognize any other communication from you in the matter.

Respectfully yours,

(Signed)

JOHN D. WELLS,

Clerk of the Board.

[G]

BOSTON, April 28, 1897.

DEAR SIR: — I am asked by a committee of citizens who are interested in promoting the enactment of the recommendations of the Commission to investigate the Charitable and Reformatory Interests and Institutions of the State to urge your attendance at an executive meeting to be held on Friday, April 30, at 4.30 P. M., at Dr. C. P. Putnam's, 63 Marlborough Street.

The meeting is called for the purpose of considering the best

method of forwarding the passage by the Legislature of the bills presented by the commission and now under consideration by the committee on Public Charitable Institutions.

A petition for a hearing on the bill for a State board of insanity has been presented to this committee and a favorable consideration of the petition is hoped for.

Drs. Cowles, Stedman, Channing, Baldwin and O. R. Rogers will, it is expected, be present at this meeting, and special consideration will be given to this matter.

Very truly yours,

(Signed)

M. M. KEHEW,

Secretary.

[H]

BOSTON, April 28, 1897.

DEAR SIR : — We beg to call your serious attention to the enclosed pamphlet, which presents a brief summary of the present methods of administering the State charities and the reasons for advocating the adoption of the recommendations of the Commission to investigate the Charitable and Reformatory Interests and Institutions of the Commonwealth. It has been prepared with a view to emphasizing the value and importance of this opportunity for the improvement not only of the system of caring for the State minor wards, but of the whole administration of the public charities of the State.

A committee of citizens, comprising leading specialists upon the subjects of child-helping, the care of the insane, pauperism and prisons, ask for your active co-operation in promoting the enactment of the proposed measures.

The committee on Charitable Institutions are now considering the bill for a department for children. Our committee has petitioned for further hearings on the bill for a board of insanity, and every effort will be used to bring forward this bill with the bill for the separation of the children.

The friends of the whole report are asked to unite in urging upon the Committee on Public Charitable Institutions the importance of the measures and the value of prompt action in reporting favorably upon the bills now under consideration, that further delay may not furnish an excuse for referring the whole matter to the next General Court.

In addressing your association we desire to formally state that

our committee holds itself pledged to further the enactment of the *whole plan of reform* involved in the recommendations of the commission.

M. M. KEHEW, *Secretary,*
For the Committee.

WILLIAM LAWRENCE, <i>Chairman.</i>	JOSEPH LEE, <i>Vice-Chairman.</i>
HENRY C. BALDWIN, M.D.	SAMUEL T. DUTTON.
THOMAS M. BALLIOT.	MARY A. GREENE.
WALTER CHANNING, M.D.	CHARLES L. GARDNER.
EDWARD COWLES, M.D.	SALLY FAIRCHILD.
RICHARD CABOT, M.D.	ELIHU B. HAYES.
MORTON PRINCE, M.D.	A. LAWRENCE LOWELL.
CHARLES P. PUTNAM, M.D.	ARTHUR LYMAN.
JAMES J. PUTNAM, M.D.	H. W. LAMB.
HENRY R. STEDMAN, M.D.	EDWIN D. MEAD.
CHARLES ALMY.	FRANCES R. MORSE.
ANNA S. AMORY.	IDA M. MASON.
EDMUND D. BARBOUR.	HENRY PICKERING.
J. WARREN BAILEY.	ANNETTE P. ROGERS.
A. G. BRANDEIS.	JAMES H. ROPES.
J. R. COOLIDGE, Jr.	WARREN F. SPALDING.
FRANCES CURTIS.	ELIZABETH P. SOHIER.
ELEANOR CURTIS.	JOSEPH G. THORP.
EZRA R. THAYER.	

[I]

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF LUNACY AND CHARITY, DEPARTMENT OF IN-DOOR POOR,
STATE HOUSE, BOSTON, Sept. 1, 1897.

State Board of Lunacy and Charity.

I have this day transmitted to the State Treasurer the sum of \$51.53 (\$9.46, \$8.48, \$12.11, \$11.52, \$9.96), accompanying the transmission with the information that the same was "the amount paid certain of the employees of the State Board of Lunacy and Charity on account of the expense incurred on the occasion of their coming to Boston May 10, 1897, on instruction from me as their superintendent."

This because the propriety of charging such amount to the State treasury has been questioned, and, while my opinion as to the propriety thereof has not changed, and while I have not been

personally benefited thereby, I have preferred to place this amount at the disposal of the State, I having assumed the responsibility of calling them to Boston in what I believed to be the faithful discharge of my duty towards the Board and the Commonwealth, and without the slightest idea of acting contrary to any instruction of the Board or of its individual members.

Respectfully,
 (Signed) S. C. WRIGHTINGTON;
Superintendent.

[K]

COMMONWEALTH OF MASSACHUSETTS,
 STATE BOARD OF LUNACY AND CHARITY, DEPARTMENT OF IN-DOOR POOR,
 STATE HOUSE, BOSTON, Sept. 1, 1897.

EDWARD P. SHAW, Esq., *Treasurer of the Commonwealth.*

DEAR SIR: I herewith remit to the State treasury the sum of \$51.53, the same being the amount paid therefrom to certain of the employees of the State Board of Lunacy and Charity on account of expense incurred on the occasion of their coming to Boston May 10, 1897, on instruction from me as their superintendent.

Yours respectfully,
 (Signed) S. C. WRIGHTINGTON,
Superintendent.

No. 37667
 \$51. $\frac{53}{100}$

COMMONWEALTH OF MASSACHUSETTS,
 TREASURER'S OFFICE, BOSTON, Sept. 1, 1897.

Received of S. C. Wrightington, Superintendent, fifty-one dollars and fifty-three cents, amount returned, having been paid certain employees of the Board of Lunacy and Charity for expense in coming to Boston May 10, 1897.

(Signed) E. P. SHAW, *Treasurer.*
 By H. S. BRIDGE.



